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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,087	09/19/2001	Naomi Nakane	016907/1293	9758

22428	7590	03/09/2005		

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER
WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
09/955,087</td><td>Applicant(s)
NAKANE, NAOMI</td></tr>
<tr><td>Examiner
Negussie Worku</td><td>Art Unit
2626</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 December 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>25 December 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>09/19/01</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by

Miyamoto et al. (USPAP 2003/0197894).

With respect to claim 1, Miyamoto et al. discloses or teaches an image

processing apparatus (image processing of fig 1) comprising: an operation panel (fig 4,

illustrates a main screen image used to designate a process, and a window on display

screen 6 of fig 4) image which receives instruction of automatic edit processing of a

plurality of photographic images, see col.2, paragraph 0047, lines 1-12); a scanner unit

(scanner 1 of fig 1) which scans said plurality of photographic images and which outputs

image information in accordance with the instruction of the automatic edit processing of

said operation panel, see (col.2, paragraph 0043, lines 1-8); an extracting unit

(microprocessor 5 of fig 1, pull out image from memory 4 of fig 1) which extracts a

position and a size of each of said plurality of photographic images (an editing process corresponding to the editing command is executed by microprocessor 5 of fig 1) on the basis of the image information output from said scanner unit (scanner 1 of fig 1), in accordance with the instruction of said automatic edit processing, see col.2, paragraph 0045, lines 8-16); and an image editing unit (17 of fig 4) which outputs an edit image, in which said plurality of photographic images are laid out within a predetermined layout, see (col.3, paragraph 0055, lines 4-9), on the basis of the position and the size of each of said plurality of photographic images, which are detected by said extracting unit ((microprocessor 5 of fig 1, pull out image from memory 4 of fig 1) in accordance with the instruction of said automatic edit processing, see (col.2, paragraph 0045, lines 8-14).

With respect to claim 2, Miyamoto et al. discloses image processing apparatus (1 of fig 1), wherein said image editing unit (edit screen fig 7, for editing image is displayed by clicking the EDIT button 17 on the main screen, see col.3, paragraph) enlarges or reduces the image information of said photographic image in accordance with said predetermined layout, see (col.2, paragraph 0045, lines 8-15).

With respect to claim 3, Miyamoto et al. discloses an image processing apparatus (as show by fig 1), wherein said image editing unit (edit screen fig 7, for editing image is displayed by clicking the EDIT button 17 on the main screen, see col.3, paragraph) enlarges or reduces the image information of said photographic image, see

(col.2, paragraph 0045, lines 7-12) in association with the layout selected and

designated by said operation panel (fig 4, illustrates a main screen image used to

designate a process, and a window on display screen 6 of fig 4).

With respect to claim 4, Miyamoto et al. discloses an image processing

apparatus (as show by fig 1, and 4-7), wherein said image editing unit (edit screen fig 7,

for editing image is displayed by clicking the EDIT button 17 on the main screen, see

col.3, paragraph), adds image information of an illustration in addition to the image

information of said photographic image and outputs the edit image, (printer 9 of fig 1,

out put the edit image) in which said plurality of photographic images are laid out within

a predetermined layout, (layout preview of fig 8, see col.3, paragraph 0055, lines 1-8).

With respect to claim 5, Miyamoto et al. discloses an image processing

apparatus (as shown in fig 1, 4-6), wherein said image editing unit (edit screen fig 7, for

editing image is displayed by clicking the EDIT button 17 on the main screen, see col.3,

paragraph) automatically detects inclination of the image information of said plurality of

photographic images to correct the inclination, (rotation of an image in a needed

direction or inversion the image is performed in editing process of the image, se col.4,

paragraph 0059, lines 17-26).

With respect to claim 6, Miyamoto et al. discloses an image forming apparatus

(as shown in fig 1, 406) comprising: an operation panel (fig 4, illustrates a main screen

image used to designate a process, and a window on display screen 6 of fig 4) which

receives instruction to automatic edit processing of a plurality of photographic images,

see (col.2, paragraph 0045, lines 88-15); a scanner unit (scanner 1 of fig 1) which

scans said plurality of photographic images and which outputs image information in

accordance with the instruction of the automatic edit processing of said operation panel

(fig 4, illustrates a main screen image used to designate a process, and a window on

display screen 6 of fig 4); an extracting unit (microprocessor 5 of fig 1, pull out image

from memory 4 of fig 1) which extracts a position and a size of each of said plurality of

photographic images on the basis of the image information output from said scanner

unit (scanner 1 of fig 1) in accordance with the instruction of said automatic edit

processing, see (col.2, paragraph 0045, lines 8-1-5); an image editing unit (edit screen

fig 7, for editing image is displayed by clicking the EDIT button 17 on the main screen,

see col.3, paragraph) which outputs an edit image, (printer 9 of fig 1, output edited

image) in which said plurality of photographic images are laid out within a

predetermined layout, (S2 of fig 2, preview layout of image edited and modified by a

user) on the basis of the position and the size of each of said plurality of photographic

images detected by said extracting unit (microprocessor 5 of fig 1, pull out image from

memory 4 of fig 1) in accordance with the instruction of said automatic edit processing,

see (steps of fig 2); and a printer unit (printer 9 of fig 1) which is provided with the edit

image from said image editing unit (edit button 17 of fig 4) and which forms an image

on an image forming medium (the edited images are formed or printed on medium or

paper) the printer on the basis of the supplied edit image, see (col.2, paragraph 0045,

lines 8-15).

With respect to claim 7, Miyamoto discloses an image forming apparatus (as

shown in fig 1, 4-6), wherein said image editing unit (edit screen fig 7, for editing image

is displayed by clicking the EDIT button 17 on the main screen, see col.3, paragraph)

enlarges or reduces the image information of said photographic image in accordance

with said predetermined layout, see (col.2, paragraph 0045, lines 8-15).

With respect to claim 8, Miyamoto et al discloses an image forming apparatus (as

shown by fig 1, 4-7), wherein said image editing unit (edit screen fig 7, for editing image

is displayed by clicking the EDIT button 17 on the main screen, see col.3, paragraph)

enlarges or reduces the image information of said photographic image, see (col.2,

paragraph 0045, lines 7-12) in association with the layout selected and designated by

said operation panel (fig 4, illustrates a main screen image used to designate a process,

and a window on display screen 6 of fig 4).

With respect to claim 9, Miyamoto et al. discloses an image processing

apparatus (as show by fig 1, and 4-7), wherein said image editing unit (edit screen fig 7,

for editing image is displayed by clicking the EDIT button 17 on the main screen, see

col.3, paragraph), adds image information of an illustration in addition to the image

information of said photographic image and outputs the edit image, (printer 9 of fig 1,

out put the edit image) in which said plurality of photographic images are laid out within

a predetermined layout, (layout preview of fig 8, see col.3, paragraph 0055, lines 1-8).

With respect to claim 10, Miyamoto et al. discloses an image forming apparatus

(as shown in fig 1, 4-6), wherein said image editing unit (edit screen fig 7, for editing

image is displayed by clicking the EDIT button 17 on the main screen, see col.3,

paragraph) automatically detects inclination of the image information of said plurality of

photographic images to correct the inclination, (rotation of an image in a needed

direction or inversion the image is performed in editing process of the image, se col.4,

paragraph 0059, lines 17-26).

With respect to claim 11, Miyamoto et al. discloses or teaches an image

processing method (image processing of fig 1) comprising: an instruction step (an

operation panel of fig 4, illustrates a main screen image used to designate a process,

and a window on display screen 6 of fig 4) which receives instruction of automatic edit

processing of a plurality of photographic images, see col.2, paragraph 0047, lines 1-12);

a scanner step (scanner 1 of fig 1) which scans said plurality of photographic images

and which outputs image information in accordance with the instruction of the automatic

edit processing at said instruction step (operation panel (a display screen of fig 4, see

(col.2, paragraph 0043, lines 1-8); an extracting unit (microprocessor 5 of fig 1, pull out

image from memory 4 of fig 1) which extracts step which extracts a position and a size

of each of said plurality of photographic images (an editing process corresponding to

the editing command is executed by microprocessor 5 of fig 1) on the basis of the image

information output from said scan step (scanner 1 of fig 1), in accordance with the

instruction of said automatic edit processing, see col.2, paragraph 0045, lines 8-16);

and an image editing step (17 of fig 4) which outputs an edit image, in which said

plurality of photographic images are laid out within a predetermined layout, see (col.3,

paragraph 0055, lines 4-9), on the basis of the position and the size of each of said

plurality of photographic images, which are detected by said extracting step

(microprocessor 5 of fig 1, pull out image from memory 4 of fig 1) in accordance with the

instruction of said automatic edit processing, see (col.2, paragraph 0045, lines 8-14).

With respect to claim 12, Miyamoto et al. discloses image processing method (1

of fig 1), wherein said image editing step (edit screen fig 7, for editing image is

displayed by clicking the EDIT button 17 on the main screen, see col.3, paragraph)

enlarges or reduces the image information of said photographic image in accordance

with said predetermined layout, see (col.2, paragraph 0045, lines 8-15).

With respect to claim 13, Miyamoto discloses an image processing steps (as

show by fig 1), wherein said image editing step (edit screen fig 7, for editing image is

displayed by clicking the EDIT button 17 on the main screen, see col.3, paragraph)

enlarges or reduces the image information of said photographic image, see (col.2,

paragraph 0045, lines 7-12) in association with the layout selected and designated by

said operation panel (fig 4, illustrates a main screen image used to designate a process,

and a window on display screen 6 of fig 4).

With respect to claim 14, Miyamoto et al. discloses an image processing method

(as show by fig 1, and 4-7), wherein said image editing steps (edit screen fig 7, for

editing image is displayed by clicking the EDIT button 17 on the main screen, see col.3,

paragraph), adds image information of an illustration in addition to the image information

of said photographic image and outputs the edit image, (printer 9 of fig 1, out put the

edit image) in which said plurality of photographic images are laid out within a

predetermined layout, (layout preview of fig 8, see col.3, paragraph 0055, lines 1-8).

With respect to claim 15, Miyamoto et al. discloses an image processing method

(as shown in fig 1, 4-6), wherein said image editing step (edit screen fig 7, for editing

image is displayed by clicking the EDIT button 17 on the main screen, see col.3,

paragraph) automatically detects inclination of the image information of said plurality of

photographic images to correct the inclination, (rotation of an image in a needed

direction or inversion the image is performed in editing process of the image, se col.4,

paragraph 0059, lines 17-26).

With respect to claim 16, Miyamoto et al. discloses or teaches an image

processing method (image processing of fig 1) comprising: an instruction step (an

operation panel of fig 4, illustrates a main screen image used to designate a process,

and a window on display screen 6 of fig 4) which receives instruction of automatic edit

processing of a plurality of photographic images, see col.2, paragraph 0047, lines 1-12);

a scanner step (scanner 1 of fig 1) which scans said plurality of photographic images

and which outputs image information in accordance with the instruction of the automatic

edit processing at said instruction step (operation panel (a display screen of fig 4, see

(col.2, paragraph 0043, lines 1-8); an extracting sep (microprocessor 5 of fig 1, pull out

image from memory 4 of fig 1) which extracts step which extracts a position and a size

of each of said plurality of photographic images (an editing process corresponding to

the editing command is executed by microprocessor 5 of fig 1) on the basis of the image

information output from said scan step (scanner 1 of fig 1), in accordance with the

instruction of said automatic edit processing, see col.2, paragraph 0045, lines 8-16);

and an image editing step (17 of fig 4) which outputs an edit image, in which said

plurality of photographic images are laid out within a predetermined layout, see (col.3,

paragraph 0055, lines 4-9), on the basis of the position and the size of each of said

plurality of photographic images, which are detected by said extracting step

(microprocessor 5 of fig 1, pull out image from memory 4 of fig 1) in accordance with the

instruction of said automatic edit processing, see (col.2, paragraph 0045, lines 8-14);

and a printer step (printer 9 of fig 1) which is provided with the edit image from said

image editing step (edit button 17 of fig 4) and which forms an image on an image

forming medium (the edited images are formed or printed on medium or paper) the

printer on the basis of the supplied edit image, see (col.2, paragraph 0045, lines 8-15).

With respect to claim 17, Miyamoto et al. discloses image processing method (1 of fig 1), wherein said image editing step (edit screen fig 7, for editing image is displayed by clicking the EDIT button 17 on the main screen, see col.3, paragraph) enlarges or reduces the image information of said photographic image in accordance with said predetermined layout, see (col.2, paragraph 0045, lines 8-15).

With respect to claim 18, Miyamoto discloses an image processing steps (as show by fig 1), wherein said image editing step (edit screen fig 7, for editing image is displayed by clicking the EDIT button 17 on the main screen, see col.3, paragraph) enlarges or reduces the image information of said photographic image, see (col.2, paragraph 0045, lines 7-12) in association with the layout selected and designated by said instructing step (fig 4, illustrates a main screen image used to designate a process, and a window on display screen 6 of fig 4).

With respect to claim 19, Miyamoto et al. discloses an image processing method (as show by fig 1, and 4-7), wherein said image editing steps (edit screen fig 7, for editing image is displayed by clicking the EDIT button 17 on the main screen, see col.3, paragraph), adds image information of an illustration in addition to the image information of said photographic image and outputs the edit image, (printer 9 of fig 1, out put the edit image) in which said plurality of photographic images are laid out within a predetermined layout, (layout preview of fig 8, see col.3, paragraph 0055, lines 1-8).

With respect to claim 20, Miyamoto et al. discloses an image processing method

(as shown in fig 1, 4-6), wherein said image editing step (edit screen fig 7, for editing

image is displayed by clicking the EDIT button 17 on the main screen, see col.3,

paragraph) automatically detects inclination of the image information of said plurality of

photographic images to correct the inclination, (rotation of an image in a needed

direction or inversion the image is performed in editing process of the image, se col.4,

paragraph 0059, lines 17-26).

3.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Negussie Worku whose telephone number is 305-5441.

The examiner can normally be reached on 7am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kimberly Williams can be reached on 703-305-4863. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Negussie Worku

02/25/05

KIMBERLY WILLIAMS
SUPERVISORY EXAMINER